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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,847	12/22/2000	Khalid Mahmud	1729.10US02	2159

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EXAMINER

NAJARIAN, LENA

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,847

Applicant(s)

MAHMUD ET AL.

Examiner

Lena Najarian

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-18 and 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 4/21/05. Claims 1-2, 4-18, and 20-32 are pending. Claims 1, 8, 17, 26, and 31 have been amended. Claims 3, 19, and 33 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 17, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 17, and 31 recite "wherein the multi-level access medical information database is reviewable and updateable by one or more medical personnel users and is reviewable only by patient users." It is unclear to the Examiner how the database is "reviewable only by patient users" yet it is also "reviewable...by one or more medical personnel users." For purposes of applying prior art, the Examiner interprets the claims to mean "wherein the multi-level access medical information database is reviewable and updateable by one or more medical personnel users and wherein patient users have reviewable access only."
4. The rejection of claims 8 and 26-27 under 35 U.S.C. 112, second paragraph, is hereby withdrawn due to the amendment filed 4/21/05.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-8, 12-14, 16-17, 20-24, 28, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Evans (5,924,074) in view of Moshfeghi et al. (6,076,166).

(A) Claims 1, 17, and 31 have been amended to now recite wherein the database is "reviewable and updateable by one or more medical personnel users and is reviewable only by patient users." As per this feature, Evans discloses a healthcare provider reviewing and updating patient data (col. 6, lines 44-47 of Evans), and Moshfeghi clearly states that "patients should be able to see their own CPRs, in full detail" (col. 5, lines 27-45 of Moshfeghi). As such, it is readily apparent that the collective teachings of Evans and Moshfeghi disclose the reviewing and updating of patient data by one or more medical personnel users and the patient's ability to review their own data.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Moshfeghi within Evans. The motivation for doing so would have been for the patient to have access to detailed information regarding their health (col. 5, lines 27-45 of Moshfeghi).

The remainder of claims 1, 17, and 31 are rejected for the same reasons given in the prior Office Action, and incorporated herein.

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(B) Claims 4-7, 12-14, 16, 20-24, 28, and 30 have not been amended and are rejected for the same reasons given in the previous Office Action, and incorporated herein.

(C) The amendment to claim 8 was apparently made to overcome 112, 2nd paragraph issues set forth in the prior Office Action. However, these changes do not affect the scope and breadth of the claims as originally presented and/or in the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action. As such, these claims are rejected under the same rationale given in the prior Office Action, and incorporated therein.

7. Claims 2, 10-11, 18, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (5,924,074) in view of Moshfeghi et al. (6,076,166) as applied to claims 1 and 17 above, and further in view of Peifer (5,987,519).

(A) Claims 2, 10-11, 18, and 27 have not been amended and are rejected for the same reasons given in the previous Office Action, and incorporated herein.

(B) The amendment to claim 26 was apparently made to overcome 112, 2nd paragraph issues set forth in the prior Office Action. However, these changes do not affect the scope and breadth of the claims as originally presented and/or in the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action. As such, these claims are rejected under the same rationale given in the prior Office Action, and incorporated therein.

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8. Claims 9, 15, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (5,924,074)) in view of Moshfeghi et al. (6,076,166) as applied to claims 1 and 17 above, and further in view of Brown (5,913,310).

(A) Claims 9, 15, 25, and 29 have not been amended and are rejected for the same reasons given in the previous Office Action, and incorporated herein.

9. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (5,924,074) in view of Moshfeghi et al. (6,076,166), and in view of Brown (5,913,310) as applied to claims 17 and 29 above, and further in view of Peifer (5,987,519).

(A) Claims 32 has not been amended and is rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 17, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is 571-272-7072. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6-29-05


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